

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

JUL 20 2007

ED DENNIS CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY BS DEPUTY

KEVIN J. MERRITT a/k/a EDWARD A.)
URBANSKI, JR.,)

Plaintiff,)

vs.)

RYAN STARK et al.,)

Defendants.)

No. CIV-06-1427-W

ORDER

On June 28, 2007, United States Magistrate Judge Robert E. Bacharach issued his findings and recommendations with regard to service by plaintiff Kevin J. Merritt a/k/a Edward A. Urbanski, Jr., on defendant Dr. W.R. Holcomb and with regard to Merritt's request for judgment by default against defendant Chad Hooper. The parties were advised of their right to object to Magistrate Judge Bacharach's recommendations but no objections have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Bacharach's suggested disposition of these issues and accordingly,


- (1) ADOPTS the Report and Recommendation [Doc. 207] issued on June 28, 2007;
- (2) DENIES Merritt's Motion to Enter Default Judgment¹ [Doc. 160] file-stamped April 13, 2007;
- (3) ADOPTS Magistrate Bacharach's second Report and Recommendation [Doc. 208] entered in this matter on June 28, 2007;

¹On May 8, 2007, Hooper was granted leave to file an answer out-of-time. The Order issued by Magistrate Judge Bacharach indicated that Merritt, through counsel, had no objection to Hooper's request to answer nunc pro tunc.

(4) GRANTS the Motion to Dismiss [Doc. 122] filed by Dr. Holcomb on March 28, 2007; and

(5) ORDERS that such dismissal is without prejudice to Merritt's right to properly serve Dr. Holcomb.²

ENTERED this 20th day of July, 2007.


LEE R. WEST
UNITED STATES DISTRICT JUDGE

²The Court notes that Dr. Holcomb was served on July 18, 2007, with a copy of Merritt's fourth amended complaint and a summons. See Doc. 218.